

110TH CONGRESS  
1ST SESSION

# H. R. 2003

To encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2007

Mr. PAYNE (for himself, Mr. HONDA, Mr. MORAN of Virginia, Ms. WATSON, and Mr. CLAY) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Ethiopia Democracy  
5       and Accountability Act of 2007”.

6       **SEC. 2. STATEMENT OF POLICY.**

7       It is the policy of the United States to—

8               (1) support the advancement of human rights,  
9       democracy, independence of the judiciary, freedom of

1 the press, peacekeeping capacity building, and eco-  
2 nomic development in the Federal Democratic Re-  
3 public of Ethiopia;

4 (2) seek the unconditional release of all political  
5 prisoners and prisoners of conscience in Ethiopia;

6 (3) foster stability, democracy, and economic  
7 development in the region;

8 (4) collaborate with Ethiopia in the Global War  
9 on Terror; and

10 (5) strengthen United States-Ethiopian rela-  
11 tions based on the policy objectives specified in para-  
12 graphs (1) through (4).

13 **SEC. 3. FINDINGS.**

14 Congress finds the following:

15 (1) The people of Ethiopia have suffered for  
16 decades due to military conflicts, natural disasters,  
17 poverty and diseases, regional instability, and the  
18 brutal dictatorship of the military junta under  
19 Mengistu Haile Mariam. Hundreds of thousands of  
20 civilians were brutally murdered by the Mengistu re-  
21 gime, including women and children. Many more  
22 sacrificed their lives fighting for freedom, respect for  
23 human rights, and to bring an end to the brutal dic-  
24 tatorship of the Mengistu regime. Members of that

1       murderous regime are currently living in Europe, the  
2       United States, and Africa.

3           (2) In May 1991, the brutal dictatorship of the  
4       Mengistu regime came to an abrupt end when the  
5       Ethiopian People's Revolutionary Democratic Front  
6       (EPRDF) defeated the Mengistu army. In July  
7       1991, the EPRDF and a coalition of other political  
8       groups established a transitional government in  
9       Ethiopia. A number of liberation movements joined  
10      the transitional government in a spirit of a new start  
11      and the building of a democratic Ethiopia. These  
12      groups included the Oromo Liberation Front (OLF),  
13      the Ogaden National Liberation Front (ONLF), and  
14      many others.

15          (3) Since the ouster of the Mengistu regime in  
16      1991, the EPRDF-led government instituted a  
17      multiparty system and organized 3 regional and na-  
18      tional elections and a number of local elections. The  
19      1995 and 2000 elections were largely boycotted and  
20      judged to be neither free nor fair. Some opposition  
21      groups participated in the 2000 elections, giving  
22      such groups 12 seats in the 546-seat parliament.

23          (4) The May 2005 pre-election period and the  
24      conduct of the elections in Ethiopia were seen by ob-  
25      servers to be transparent, competitive, and relatively

1 free and fair, although there were a number of prob-  
2 lems reported. More than 90 percent of registered  
3 voters participated and dozens of political parties  
4 took part in the elections. Moreover, some inter-  
5 national groups observed the elections, unprece-  
6 dented access to the mass media was given to the  
7 opposition, and there were televised debates between  
8 the government and the opposition. Some political  
9 parties and armed political groups boycotted the  
10 2005 elections. However, trained local groups were  
11 barred from observing the elections.

12 (5) Despite apparent improvement in the elec-  
13 toral process, preliminary election results announced  
14 by the Government of Ethiopia shortly after the May  
15 15, 2005, elections were seen by observers as ques-  
16 tionable. The opposition accused the Government of  
17 Ethiopia of stealing the elections and called for civil  
18 disobedience, which resulted in the killing of dem-  
19 onstrators and detention of opposition leaders and  
20 thousands of their followers, including 11 elected  
21 members of parliament and the elected mayor of  
22 Addis Ababa.

23 (6) The Coalition for Unity and Democracy  
24 (CUD), the United Ethiopian Democratic Forces  
25 (UEDF), and the ruling EPRDF reached an agree-

1       ment to resolve disputed election results peacefully  
2       with the help of the National Electoral Board  
3       (NEB). The NEB investigated more than 299 com-  
4       plaints and later agreed to hold reruns in 31 con-  
5       stituencies. In late August 2005, the NEB held re-  
6       runs in the 31 constituencies as well as in all 23  
7       constituencies in the Somali region, where elections  
8       had been postponed due to insecurity.

9               (7) Election results show that opposition parties  
10       won 170 seats in the national parliament, a signifi-  
11       cant increase from the 12 seats they won in the last  
12       elections. Opposition parties also won the city coun-  
13       cil in Addis Ababa, giving them control over the cap-  
14       ital. An estimated 150 of the 170 opposition mem-  
15       bers of parliament have taken their seats. In early  
16       May 2006, the Government of Ethiopia appointed a  
17       caretaker government in the capital. Members of  
18       parliament from the CUD walked out of parliament  
19       in protest. The CUD won the city, but the des-  
20       ignated mayor has been in detention since November  
21       2005.

22               (8) Human rights conditions deteriorated sig-  
23       nificantly after the May 15, 2005, elections in Ethi-  
24       opia and overall human rights conditions in the  
25       country remain poor. The Department of State, in

1 its 2005 Country Reports on Human Rights Prac-  
2 tices, noted a myriad of human rights abuses by the  
3 Government of Ethiopia. Moreover, journalists and  
4 editors of the independent press have been and con-  
5 tinue to face harassment and prosecution for alleged  
6 violations of press laws in Ethiopia. Dozens of jour-  
7 nalists have fled the country, and some are currently  
8 in exile fearing prosecution or harassment.

9 (9) In June 2005, more than 35 demonstrators  
10 were killed by Ethiopian Government security per-  
11 sonnel and in November 2005 an estimated 53 peo-  
12 ple were killed, including 7 policemen, according to  
13 Human Rights Watch and several other reports. The  
14 violence against these victims occurred after pro-op-  
15 position groups went to the streets of the capital to  
16 protest government actions in handling the elections  
17 results of May 2005. Tens of thousands of people  
18 suspected of being opposition supporters were de-  
19 tained over the past months, although many of these  
20 detainees were released. Nonetheless, government se-  
21 curity forces continue to abuse opposition leaders,  
22 supporters, and family members.

23 (10) An estimated 112 political leaders, human  
24 rights activists, community leaders, and journalists,  
25 including the chairman of the CUD (Hailu Shawel),

1 the newly elected Mayor of Addis Ababa (Berhanu  
2 Nega), and the founder of the Ethiopian Human  
3 Rights Council (Professor Mesfin Wolde Mariam),  
4 were imprisoned and charged with treason and geno-  
5 cide. These measures were deliberately taken to sti-  
6 fle and criminalize opposition party activity in the  
7 country. The measures also were intended to intimi-  
8 date and silence independent press and civil society,  
9 raising serious question about the Ethiopian Govern-  
10 ment's commitment to democracy and good govern-  
11 ance.

12 (11) According to Department of State's 2006  
13 Country Reports on Human Rights Practices,  
14 "human rights abuses [in Ethiopia] reported during  
15 the year included: limitation on citizens' right to  
16 change their government during the most recent  
17 elections; unlawful killings, and beating, abuse, and  
18 mistreatment of detainees and opposition supporters  
19 by security forces; poor prison conditions; arbitrary  
20 arrest and detention . . .".

21 (12) Whereas the Ethiopian Parliament estab-  
22 lished an 11-member Commission of Inquiry to "in-  
23 vestigate the disorder and report to the House of  
24 People's Representatives in order to take the nec-  
25 essary measure". The Commission was tasked to in-

1        investigate whether government security forces used  
2        excessive force, caused damage to life and property,  
3        or showed a lack of respect for human rights. The  
4        Commission was mandated to investigate the June  
5        8, 2005, and November 1–10, 2005, violence in dif-  
6        ferent parts of the country.

7            (13) Whereas members of the Commission of  
8        Inquiry visited several regions, reviewed police re-  
9        ports, met with prisoners and government officials,  
10       made 122 radio and TV announcements to the pub-  
11       lic, examined 16,990 documents, and took testi-  
12       monies from 1,300 people.

13           (14) Whereas the Commission of Inquiry con-  
14        cluded that 763 civilians were injured and 193  
15        killed. The Commission also reported that 71 police  
16        officers were injured and 6 killed. Damage to prop-  
17        erty was estimated at \$512,588. The Commission  
18        also reported that more than 30,000 civilians were  
19        detained, some were tortured, and prisoners in Kaliti  
20        were killed.

21           (15) Whereas the Commission of Inquiry re-  
22        ported that security forces fired 1,500 bullets at  
23        prisoners, killing 17 and injuring 53. The Commis-  
24        sion stated that civilians did not use weapons and  
25        reported bank robberies by demonstrators did not



1 take place. The Commission's deliberations were  
2 video-taped and votes were taken on key findings on  
3 July 3, 2006.

4 (16) Whereas shortly after the Commission of  
5 Inquiry reached its decision, the Ethiopian Govern-  
6 ment reportedly began to put pressure on Commis-  
7 sion members to change their report. The Chairman  
8 of the Commission, a former Supreme Court Presi-  
9 dent of the Southern Region of Ethiopia, was told  
10 by a senior advisor of Prime Minister Meles Zenawi  
11 to call for an emergency meeting of the Commission  
12 in order to change the Commission's report.

13 (17) Whereas the Commission of Inquiry was  
14 scheduled to give its report to the Ethiopian Par-  
15 liament on July 7, 2006, but the Parliament was ad-  
16 journed a day early. Several Commission members,  
17 including the Chairman and the Deputy Chair, left  
18 the country with the final report, other documents  
19 relevant to the investigation, and several video tapes  
20 of the Commission deliberations.

21 (18) Whereas in November 2006, the Chairman  
22 of the Commission of Inquiry and another Commis-  
23 sion member presented the Commission's report and  
24 briefed Members of the United State Congress.

1           (19) Whereas in November 2006, at a congressional  
2 briefing with members of the Commission of  
3 Inquiry, a young woman named Alemzuria submitted  
4 her testimony about what happened to her mother,  
5 Etenesh Yemam. Alemzuria's father was elected in  
6 May 2005 as Council Member of Addis Ababa.  
7 Subsequently security personnel came to arrest him  
8 at his home and then shot Etenesh Yemam as she  
9 pleaded for her husband's release.

10           (20) Whereas the Commission of Inquiry investigated the killing of Etenesh Yemam and confirmed  
11 beyond doubt what happened on that dreadful day.  
12 Etenesh Yemam's husband still languishes in prison  
13 while Alemzuria remains a refugee in another African  
14 country.  
15

16 **SEC. 4. SUPPORT FOR HUMAN RIGHTS IN ETHIOPIA.**

17       The Secretary of State shall—

18           (1) establish a mechanism to provide financial  
19 support to local and national human rights groups  
20 and other relevant civil society organizations to help  
21 strengthen human rights monitoring and regular reporting on human rights conditions in Ethiopia;

22           (2) establish a victims support network to provide legal support for political prisoners and prisoners of conscience and to assist local groups or

1 groups from outside Ethiopia that are active in mon-  
2 itoring the status of political prisoners and prisoners  
3 of conscience in Ethiopia;

4 (3) seek to increase the independence of the  
5 Ethiopian judiciary through facilitation of joint dis-  
6 cussions for court personnel, officials from the Ethi-  
7 opian Ministry of Justice, relevant members of the  
8 legislature, and civil society representatives on inter-  
9 national human rights standards;

10 (4) create and support a judicial monitoring  
11 process, consisting of local and international groups,  
12 to monitor judicial proceedings throughout Ethiopia,  
13 with special focus on unwarranted government inter-  
14 vention on strictly judicial matters, and to inves-  
15 tigate and report on actions to strengthen an inde-  
16 pendent judiciary;

17 (5) establish a program to strengthen private  
18 media in Ethiopia, provide support for training pur-  
19 poses, offer technical and other types of support as  
20 necessary, and expand programming by the Voice of  
21 America to Ethiopia; and

22 (6) establish a mechanism to identify and extra-  
23 dicate members of the Mengistu Haile Mariam regime  
24 and the current government residing in the United  
25 States who were engaged in gross human rights vio-

1       lations and work with other governments to identify  
2       and extradite such persons, including Mengistu  
3       Haile Mariam.

4   **SEC. 5. SUPPORT FOR DEMOCRATIZATION IN ETHIOPIA.**

5       (a) STRENGTHENING LOCAL, REGIONAL, AND NA-  
6   TIONAL DEMOCRATIC PROCESSES.—The Secretary of  
7   State shall—

8           (1) provide assistance to strengthen local, re-  
9       gional, and national parliaments and governments in  
10      Ethiopia through training in consultation with gov-  
11      ernment authorities, political parties, and civil soci-  
12      ety groups;

13          (2) establish a program focused on reconcili-  
14      ation efforts between the Government of Ethiopia  
15      and peaceful political and civil society groups, in-  
16      cluding in minority communities, in preparation for  
17      negotiation and for participation in the political  
18      process;

19          (3) strengthen training for political parties in  
20      Ethiopia in areas such as organization building and  
21      campaign management; and

22          (4) provide training for civil society groups in  
23      election monitoring in Ethiopia.

24      (b) DEMOCRACY ENHANCEMENT.—

1           (1) ASSISTANCE.—United States technical as-  
 2           sistance for democracy promotion in Ethiopia should  
 3           be made available to the ruling party as well as op-  
 4           position parties in Ethiopia.

5           (2) RESTRICTION.—

6                   (A) IN GENERAL.—Nonessential United  
 7           States assistance shall not be made available to  
 8           the Government of Ethiopia if the Government  
 9           of Ethiopia acts to obstruct United States tech-  
 10          nical assistance to advance human rights, de-  
 11          mocracy, independence of the judiciary, freedom  
 12          of the press, economic development and eco-  
 13          nomic freedom in Ethiopia.

14                   (B) DEFINITION.—In this paragraph, the  
 15          term “nonessential United States assistance”  
 16          means assistance under any provision of law,  
 17          other than humanitarian assistance, assistance  
 18          under emergency food programs, assistance to  
 19          combat HIV/AIDS, and other health care as-  
 20          sistance.

21 **SEC. 6. ENSURING GOVERNMENT SUPPORT FOR HUMAN**  
 22 **RIGHTS, DEMOCRACY, AND ECONOMIC DE-**  
 23 **VELOPMENT IN ETHIOPIA.**

24           (a) LIMITATION ON SECURITY ASSISTANCE; TRAVEL  
 25          RESTRICTIONS.—

1 (1) LIMITATION ON SECURITY ASSISTANCE.—

2 (A) IN GENERAL.—Except as provided in  
3 subparagraph (B), security assistance shall not  
4 be provided to Ethiopia until such time as the  
5 certification described in paragraph (3) is made  
6 in accordance with such paragraph.

7 (B) EXCEPTION.—Subparagraph (A) shall  
8 not apply with respect to peacekeeping or  
9 counter-terrorism assistance. Peacekeeping or  
10 counter-terrorism assistance provided to Ethi-  
11 opia shall not be used for any other security-re-  
12 lated purpose or to provide training to security  
13 personnel or units accused of human rights vio-  
14 lations against civilians.

15 (2) TRAVEL RESTRICTIONS.—Beginning on the  
16 date that is 60 days after the date of the enactment  
17 of this Act and until such time as the certification  
18 described in paragraph (3) is made in accordance  
19 with such paragraph, the President shall deny a visa  
20 and entry into the United States to—

21 (A) any official of the Government of Ethi-  
22 opia who—

23 (i) has been involved in giving orders  
24 to use lethal force against peaceful dem-  
25 onstrators in Ethiopia; or

1 (ii) has been accused of gross human  
2 rights violations;

3 (B) security personnel of the Government  
4 of Ethiopia who were involved in the June or  
5 November 2005 shootings of demonstrators;

6 (C) security personnel responsible for mur-  
7 dering Etenesh Yemam, as described in para-  
8 graphs (20) and (21) of section 3; and

9 (D) security personnel responsible for mur-  
10 dering prisoners at Kaliti prison in the after-  
11 math of the election violence.

12 (3) CERTIFICATION.—The certification de-  
13 scribed in this paragraph is a certification by the  
14 President to Congress that the Government of Ethi-  
15 opia is making credible, quantifiable efforts to en-  
16 sure that—

17 (A) all political prisoners and prisoners of  
18 conscience in Ethiopia have been released, their  
19 civil and political rights restored, and their  
20 property returned;

21 (B) prisoners held without charge or kept  
22 in detention without fair trial in violation of the  
23 Constitution of Ethiopia are released or receive  
24 a fair and speedy trial, and prisoners whose

1 charges have been dismissed or acquitted and  
2 are still being held are released without delay;

3 (C) the Ethiopian judiciary is able to func-  
4 tion independently and allowed to uphold the  
5 Ethiopian Constitution and international  
6 human rights standards;

7 (D) security personnel involved in the un-  
8 lawful killings of demonstrators, Etenesh  
9 Yemam, and Kaliti prisoners are punished;

10 (E) family members, legal counsel, and  
11 others have unfettered access to visit detainees  
12 in Ethiopian prisons;

13 (F) print and broadcast media in Ethiopia  
14 are able to operate free from undue interference  
15 and laws restricting media freedom, including  
16 sections of the Ethiopian Federal Criminal  
17 Code, are revised;

18 (G) licensing of independent radio and tel-  
19 evision in Ethiopia is open and transparent;

20 (H) access in Ethiopia is provided to the  
21 Internet and the ability of citizens to freely  
22 send and receive electronic mail and otherwise  
23 obtain information is guaranteed;

24 (I) the National Election Board (NEB) in-  
25 cludes representatives of political parties with



1 seats in the Ethiopian Parliament and guaran-  
2 tees independence for the NEB in its decision-  
3 making;

4 (J) representatives of international human  
5 rights organizations engaged in human rights  
6 monitoring work in Ethiopia are admitted to  
7 Ethiopia without undue restriction; and

8 (K) Ethiopian human rights organizations  
9 are able to operate in an environment free of  
10 harassment, intimidation, and persecution.

11 (4) WAIVER.—

12 (A) IN GENERAL.—The President may  
13 waive the application of paragraph (1) or (2) on  
14 a case-by-case basis if the President determines  
15 that—

16 (i) the Government of Ethiopia has  
17 met the requirements of paragraph (3);  
18 and

19 (ii) such a waiver is in the national in-  
20 terests of the United States.

21 (B) NOTIFICATION.—Prior to granting a  
22 waiver under the authority of subparagraph  
23 (A), the President shall transmit to Congress a  
24 notification that includes the reasons for the  
25 waiver.

1 (b) TREATMENT OF POLITICAL PRISONERS AND  
2 PRISONERS OF CONSCIENCE.—

3 (1) IN GENERAL.—The President, the Secretary  
4 of State, and other relevant officials of the Govern-  
5 ment of the United States shall call upon the Gov-  
6 ernment of Ethiopia to immediately release all polit-  
7 ical prisoners and prisoners of conscience, especially  
8 prisoners held without charge.

9 (2) TORTURE VICTIM RELIEF.—While it is the  
10 responsibility of the Government of Ethiopia to com-  
11 pensate the victims of unlawful imprisonment and  
12 torture and their families for their suffering and  
13 losses, the President shall provide assistance for the  
14 rehabilitation of victims of torture in Ethiopia at  
15 centers established for such purposes pursuant to  
16 section 130 of the Foreign Assistance Act of 1961  
17 (22 U.S.C. 2152).

18 (c) SENSE OF CONGRESS.—It is the sense of Con-  
19 gress that the Government of the United States should—

20 (1) encourage the Government of Ethiopia to  
21 enter into discussions with peaceful political groups  
22 in order to bring such groups into full participation  
23 in the political and economic affairs of Ethiopia, in-  
24 cluding their legalization as a political party; and

1           (2) provide such assistance as is warranted and  
2           necessary to help achieve the goal described in para-  
3           graph (1).

4 **SEC. 7. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHI-**  
5 **OPIA.**

6           (a) **RESOURCE POLICY ASSISTANCE.**—The President,  
7 acting through the Administrator of the United States  
8 Agency for International Development, shall provide as-  
9 sistance for sustainable development of Ethiopia’s Nile  
10 and Awash River resources, including assistance to help  
11 Ethiopia with the technology necessary for the construc-  
12 tion of irrigation systems and hydroelectric power that  
13 might prevent future famine.

14          (b) **HEALTH CARE ASSISTANCE.**—The President,  
15 acting through the Administrator of the United States  
16 Agency for International Development, shall provide mate-  
17 rial support to hospitals and health care centers in Ethi-  
18 opia, especially hospitals and health care centers in rural  
19 areas.

20 **SEC. 8. REPORT.**

21          Not later than 180 days after the date of the enact-  
22 ment of this Act, the President shall transmit to Congress  
23 a report on the implementation of this Act, including a  
24 description of a comprehensive plan to address the secu-  
25 rity, human rights, democratization, and economic free-

1 dom concerns that potentially threaten the stability of the  
2 Federal Democratic Republic of Ethiopia .

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-  
5 priated to carry out this Act \$20,000,000 for each of the  
6 fiscal years 2008 and 2009.

7 (b) AVAILABILITY.—Amounts appropriated pursuant  
8 to the authorization of appropriations under subsection (a)  
9 are authorized to remain available until expended.

○